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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

9 VINCENT ROSENBALM, 1:11-CV-00306-NJV
10 Plaintiff, ORDER DISMISSING CASE WITHOUT
11 v. PREJUDICE
12 THOMAS ALLMAN, et al.,
13 Defendants

16 Plaintiff is proceeding *pro se* in this civil action. On May 3, 2011, the Court entered an order
17 in which it granted Plaintiff sixty days within which to serve Defendants and file proof of service
18 with the Court. Plaintiff was expressly cautioned that his failure to do so might result in dismissal
19 of this case for lack of prosecution. The allotted sixty days passed and Plaintiff did not comply with
20 the Court's order.

21 On July 21, 2011, the Court entered an order granting Plaintiff ten days within which to show
22 cause why this case should not be dismissed for lack of prosecution. Plaintiff did not file a response
23 to the Court's order to show cause.

24 It is within the inherent power of the court to sua sponte dismiss a case for lack of
25 prosecution. *Link v. Wabash R.R.*, 370 U.S. 626, 630, 82 S.Ct. 1386, 1388 (1962). The factors to be
26 weighed by the Court when considering whether to dismiss a case for lack of prosecution include the
27 court's need to manage its docket, the public interest in expeditious resolution of litigation, and the
28 risk of prejudice to the defendants against the policy favoring disposition of cases on their merits.

United States District Court
For the Northern District of California

1 and the availability of less drastic sanctions. *Ace Novelty Co. v. Gooding Amusement Co.*, 664 F.2d
2 761, 763 (9th Cir.1981); *Anderson v. Air West, Inc.*, 542 F.2d 522, 525 (9th Cir.1976).

3 In this case, Plaintiff filed his complaint on January 19, 2011. On May 3, 2011, the Court
4 entered an order granting Plaintiff an additional sixty days to serve the complaint. When Plaintiff
5 did not serve the complaint, the Court granted Plaintiff ten days to show cause why this case should
6 not be dismissed for lack of prosecution. Plaintiff did not file a response to the Court's order.
7 Instead Plaintiff filed a rambling, incoherent motion to continue, the intent of which was unclear to
8 the Court and which was denied on July 21, 2011.

9 The Court finds that Plaintiff is either unwilling or unable to comply with normal procedures
10 in prosecuting this action, and the Court cannot manage Plaintiff's case for him. The public has an
11 interest in limiting the expenditure of Court resources in such cases, and the Court cannot allow
12 them to clog its crowded docket. There is no prejudice to the putative defendants by the dismissal of
13 this action, as they have never been made a party to the action. Finally, in light of Plaintiff's total
14 failure to litigate this action, no lesser sanction exists.

15 Accordingly, IT IS HEREBY ORDERED that this action is DISMISSED without prejudice
16 for failure to prosecute. The Clerk is directed to terminate this case.

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18 IT IS SO ORDERED.

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20 Dated: August 31, 2011

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22 NANDOR J. VADAS
23 United States Magistrate Judge
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

7 VINCENT ROSENBALM, No. CV 11-00306 NJV
8 Plaintiff,
9 v.
10 THOMAS ALLMAN, et al.,
11 Defendants.
CERTIFICATE OF SERV

CERTIFICATE OF SERVICE

13 I, the undersigned, hereby certify that on August 31, 2011, I served a true and correct copy of
14 the attached by placing said copy in a postage paid envelope addressed to the person(s) listed below,
by depositing said envelope in the U.S. Mail.

16 Vincent Rosenbalm
17 P.O. Box 147
 Seaside, OR 97138

20 | Dated: August 31, 2011

Linn Van Meter
Administrative Law Clerk to the
Honorable Nandor J. Vadas